

REMARKS

In accordance with the foregoing, the specification has been amended to improve form and provide improved correlation with the drawings and claims. Claims 1 and 3-8 have been amended, claim 2 has been cancelled without prejudice or disclaimer, and claims 1 and 2-12 are pending and under consideration. No new matter is presented in this Amendment.

DOUBLE PATENTING REJECTION:

Claims 1 – 12 are provisionally rejected on the ground of nonstatutory obviousness-type patenting as being unpatentable over claims 1 – 18 of co-pending Application 10/685,701. Although the conflicting claims are not identical, they are not patentably distinct from each other because they claimed the same subject matter.

Since claims 1-12 of the instant application have not yet been indicated as allowable, it is believed that any submission of a Terminal Disclaimer or arguments as to the non-obvious nature of the claims would be premature. As such, it is respectfully requested that Applicants be allowed to address any provisional obviousness-type double patenting issues remaining once the rejections of the claims under 35 U.S.C. § 102 and 35 U.S.C. § 103 are resolved.

REJECTIONS UNDER 35 U.S.C. §102:

Claim 1 is rejected under 35 U.S.C. §102(b) as being anticipated by Rainville et al. (U.S. Patent Pub. 2002/0069411 A1). The Applicants respectfully traverse the rejection and request reconsideration.

Regarding the rejection of independent claim 1, it is noted that amended claim 1 now recites “an enhanced audio and/or video (ENAV) engine which interprets the markup document to read device-aspect-ratio information included in the markup document and... transforms the source markup picture into a markup picture according to the device-aspect-ratio information.” In contrast, Rainville only teaches a markup picture with embedded audio/video data (paragraph [0034]). That is, Rainville does not disclose, implicitly or explicitly, a markup picture that is obtained according to an aspect ratio of a display device, as recited in the amended claim 1.

REJECTIONS UNDER 35 U.S.C. §103:

Claims 2 – 6 and 8 are rejected under 35 U.S.C. §103(a) as being unpatentable over Rainville et al. as applied to claim 1 above, and further in view of Nielsen (U.S. Patent 5,897,644). The Applicants respectfully traverse the rejection and request reconsideration.

Regarding the rejection of dependent claim 2, it is noted that claim 2 has been cancelled and the subject matter thereof has been incorporated into amended claim 1. Therefore, Applicants note that claim 1, amended to incorporate the subject matter of claim 2, now recites “an enhanced audio and/or video (ENAV) engine which interprets the markup document to read device-aspect-ratio information **included in the markup document** and... transforms the source markup picture into a markup picture according to the device-aspect-ratio information.” In contrast, Nielsen teaches a method of displaying a markup picture according to a size (but not an aspect ratio) of a display device or window (column 7, lines 50-65) and an aspect ratio of the markup picture (column 8, lines 37-65). That is, Nielsen does not disclose a processing of a markup document according to the aspect ratio of the display window. Specifically, the method described in Nielsen determines a size of a markup picture (column 6, line 66 through column 7, line 12), determines a size of the display window (column 7, lines 50-65, column 8, lines 20-26), and maximizes the markup picture to fit into the display window according to the size and an aspect ratio of the markup picture and the size (but not aspect ratio) of the display window (column 7, lines 50-65, column 8, lines 20-26, and column 8, lines 37-65). In particular, Nielsen suggests a “Determine Display Size” process “that accesses information about the display device containing the window to determine the maximal size available for the window” (column 7, lines 50-53). Then, the markup picture is maximized to fill the display window (column 7, lines 50-65, column 8, lines 20-26). Applicants note that while the specification of Nielsen discloses an obtaining of display device size information, the specification does not disclose nor support an obtaining of display device aspect ratio information, let alone an obtaining of display device aspect ratio information **from a markup document**. Finally, the markup picture is resized according to the markup picture aspect ratio (column 8, lines 37-65), resulting in a markup picture that is maximally displayed according to the display window size (but not aspect ratio) while maintaining the aspect ratio of the markup picture. Applicants note that the resizing of the markup picture is based on a transformation value determined according to the markup picture aspect ratio, and not the display device aspect ratio (column 8, lines 49-57, the canvas height and width refer to the markup picture height and width). Therefore, the Applicants respectfully

submit that Nielsen fails to disclose, implicitly or explicitly, a transforming of a markup document according to display device aspect ratio information obtained from the markup document, as recited in amended claim 1.

Regarding the rejection of claim 3, it is noted that this claim depends from claim 1 and is, therefore, allowable for at least the reasons set forth above.

Regarding the rejection of claim 4, it is noted that this claim depends from claim 1 and is, therefore, allowable for at least the reasons set forth above. Furthermore, it is noted that the specification of Nielsen does not disclose, implicitly or explicitly, displaying the markup document according to a design of a markup document maker, as recited in claim 4.

Regarding the rejection of claims 5, 6 and 8, it is noted that these claims depend from claim 1 and are, therefore, allowable for at least the reasons set forth above. In particular, it is noted that Nielsen does not disclose the device-aspect-ratio information in the markup document, as recited in claims 5, 6, and 8.

Claim 7 is rejected under 35 U.S.C. §103(a) as being unpatentable over Rainville et al. as applied to claim 1 above, and further in view of Nielsen and Yamauchi et al. (U.S. Patent 5,907,659). The Applicants respectfully traverse the rejection and request reconsideration.

Regarding the rejection of claim 7, it is noted that this claim depends from claim 1 and is, therefore, allowable for at least the reasons set forth above.

Claims 9 – 12 are rejected under 35 U.S.C. §103(a) as being unpatentable over Rainville et al in view of Nielsen. The Applicants respectfully traverse the rejection and request reconsideration.

Regarding the rejection of dependent claim 9, it is noted that claim 9 recites "a markup transformer which transforms the markup picture according to device-aspect-ratio information **corresponding to the markup document.**" In contrast, Nielsen teaches a method of displaying a markup picture according to a size (but not an aspect ratio) of a display device or window (column 7, lines 50-65) and an aspect ratio of the markup picture (column 8, lines 37-65). That is, Nielsen does not disclose a processing of a markup document according to the aspect ratio of the display window. Specifically, the method described in Nielsen determines a size of a markup picture (column 6, line 66 through column 7, line 12), determines a size of the display window (column 7, lines 50-65, column 8, lines 20-26), and maximizes the markup picture to fit

into the display window according to the size and an aspect ratio of the markup picture and the size (but not aspect ratio) of the display window (column 7, lines 50-65, column 8, lines 20-26, and column 8, lines 37-65). In particular, Nielsen suggests a "Determine Display Size" process "that accesses information about the display device containing the window to determine the maximal size available for the window" (column 7, lines 50-53). Then, the markup picture is maximized to fill the display window (column 7, lines 50-65, column 8, lines 20-26). Applicants note that while the specification of Nielsen discloses an obtaining of display device size information, the specification does not disclose nor support an obtaining of display device aspect ratio information, let alone an obtaining of display device aspect ratio information **corresponding to a markup document**. Finally, the markup picture is resized according to the markup picture aspect ratio (column 8, lines 37-65), resulting in a markup picture that is maximally displayed according to the display window size (but not aspect ratio) while maintaining the aspect ratio of the markup picture. Applicants note that the resizing of the markup picture is based on a transformation value determined according to the markup picture aspect ratio, and not the display device aspect ratio (column 8, lines 49-57, the canvas height and width refer to the markup picture height and width). Therefore, the Applicants respectfully submit that Nielsen fails to disclose, implicitly or explicitly, a transforming of a markup document according to display device aspect ratio information corresponding to the markup document, as recited in claim 9.

Regarding the rejection of claim 10, it is noted that this claim depends from claim 9 and is, therefore, allowable for at least the reasons set forth above.

Regarding the rejection of claim 11, it is noted that this claim depends from claim 9 and is, therefore, allowable for at least the reasons set forth above. Furthermore, it is noted that the specification of Nielsen does not disclose, implicitly or explicitly, the markup document according including the device-aspect-ratio information, as recited in claim 11.

Regarding the rejection of claim 12, it is noted that this claim depends from claim 9 and is, therefore, allowable for at least the reasons set forth above. In particular, it is noted that Nielsen does not disclose the device-aspect-ratio information corresponding to the markup document, as recited in claim 12.

Based on the foregoing, this rejection is respectfully requested to be withdrawn.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.


Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date: 1/17/08

By: 
Michael D. Stein
Registration No. 37,240

1400 Eye St., NW
Suite 300
Washington, D.C. 20005
Telephone: (202) 216-9505
Facsimile: (202) 216-9510